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SAN JOSE REP. DON EDWARDS  
Plans congressional hearings on CIA agent's case

## High court accused of censorship

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WASHINGTON — Rep. Don Edwards of San Jose has decided to take on the Supreme Court of these United States.

"Yes, I'm suggesting that the Supreme Court has violated the First Amendment," Edwards said recently, talking about the court's February decision in a CIA case that the government has power to censor its employees.

"The court's ruling is so broad a Forest Service employee couldn't even make a speech about his experiences in the forests of Montana," Edwards said. "It's wide enough to include everything."

Edwards has called hearings next month of his Judiciary Committee subcommittee on civil and constitutional rights to thrash out the matter and frame new legislation.

The Supreme Court case involved a 1978 book, "Decent Interval," by former CIA agent Frank Snepp. Although it was said to contain no secrets, the high court upheld a ruling confiscating \$115,000 the book earned for Snepp and ordering him to submit future writings to the agency for screening.

In accepting employment as an agent, Snepp had signed a secrecy agreement with the CIA. But he did not submit the book for CIA approval. The court said that even without such an agreement, the government could impose restrictions that would otherwise violate the First Amendment guarantee of free speech.

Thus bolstered, the government initiated breach-of-contract cases against two more ex-CIA men.

"The court should have been talking about classified information. Release of unauthorized information that damages your country should be illegal," said Edwards.

Instead, the ruling says any employee who signed an employment contract can be prevented from publishing a book or articles about his experiences — even if it contains no classified or non-public material. Furthermore, any profits from the work can be taken away.

In Edwards' opinion, the ruling breaches a key legal principle: government may not impose any form of prior censorship on free speech.

"Indeed, the Bill of Rights' First Amendment was written specifically to forbid the kind of laws then prevalent in 17th-century England that required a government license to publish books," Edwards noted.

His subcommittee is calling five experts in constitutional law from leading law schools. After they have defined the terms of the argument and the shape of needed law, Edwards said, he will call in the Department of Justice to state its side of the case.

"The Justice Department is supposed to defend our civil liberties too, you know," Edwards remarked.

Edwards is a former intelligence man himself — an ex-FBI agent who served in Naval Intelligence during World War II. He is also a Stanford Law School graduate and was a California businessman before his election to Congress 18 years ago. He has been subcommittee chairman for almost 10 years.

Edwards said the majority of his panel feels strongly about the Snepp decision and says they intend to look into five areas of major public concern in the issue:

- The public's interest in learning about misconduct through uncensored books, articles and speeches by former employees.
- The legitimate interest of agencies such as the CIA and FBI in protecting classified information. Is new legislation necessary?
- The impact of the court's decision on censorship clauses in employment contracts of other federal agencies.
- The problem of apparent selective enforcement. Was pre-clearance required in writings and speeches by former Secretary of State Henry Kissinger, and former CIA directors William Colby and Richard Helms?
- The administrative process used in pre-clearance. Is there due process? Is there appeal from the agency's decisions?

At a recent Senate Intelligence Committee hearing, Robert Lewis, a spokesman for the Society of Professional Journalists (Sigma Delta Chi), expressed alarm over the scope of the agency's secrecy contracts.

In effect, said Lewis of the society's freedom of information committee, "employees are forced to sign away their First Amendment rights of free speech and free press for the rest of their lives."

At a House Intelligence Committee briefing last month, CIA publications review Chairman Herbert Hetu admitted the review system was selective — but argued that some ex-officials could be trusted more than others.

"It's almost impossible to keep up with everything," he said, observing.

"There are a lot of things that take place, you know, that we just can't keep track of. People go on talk shows, make extemporaneous speeches, all sorts of things."

Of 198 manuscripts his board has reviewed, he noted, only three had been disapproved.

Independent review boards have been suggested in Congress.